

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No. 10/631,894

REMARKS

By way of this Amendment, Applicants are canceling claims 1-24 and adding new claims 25-59. New claims 25, 26, 28, 29, 35, 43, and 51 are independent claims.

Drawings

The Examiner has objected to the drawings, alleging that the reference sign “14” is not included in the specification. In fact, the release switch 14 in FIG. 2 is discussed at page 17 of the specification. Therefore, Applicant respectfully requests that the Examiner withdraw this objection.

Claim Rejections Under 35 U.S.C. § 112

Claim 24 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the original specification “does not enable for the volume of the discharge storage section to be set.”

This rejection is moot in view of the cancellation of claim 24.

Claim Rejection Under 35 U.S.C. § 102

Claims 11-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Prasad et al. (2003/0082427).

This rejection is moot in view of the cancellation of claim 11-13.

Claim Rejections Under 35 U.S.C. §§103

Claims 1 and 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasad et al. (2003/0082427) in view of Yamamoto (4,883,724). Claims 2-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasad et al. (2003/0082427) in view of

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Yamamoto (4,883,724). Claims 14 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasad et al. (2003/0082427). Claims 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasad et al. (2003/0082427) and further in view of Lawrence et al. (2002/0197522). Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasad et al. (2003/0082427) and Yamamoto (4,883,724) and further in view of Lawrence et al. (2002/0197522).

These rejections are moot in view of the cancellation of claims 1-10 and 14-24.

New Claims

New claims 25-59 have been added. Applicant respectfully submits that these claims are patentable over the prior art references at least based on the following remarks.

Claim 25

With respect to independent claim 25, there is no combination of the applied references that would reasonably teach or suggest all of the claim's recitations. For example, there is no combination of the applied references that would reasonably teach or suggest the claimed camera having a fuel cell system that is disposed at a side of a lens of the camera and a secondary cell which stores power generated by the fuel cell.

For example, although Prasad generally mentions that the fuel supply 20 can be used with a wide range of devices¹, Prasad does not disclose that the fuel supply is disposed at a side of a camera lens.

¹ See Prasad at paragraph [0020].

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In addition, although Yamamoto discloses a power generating system including a fuel cell 3 and a storage battery 6, which is provided as a power backup², there is no teaching or suggestion to use Yamamoto's backup storage battery with a portable device, such as a camera. That is, Yamamoto only suggests using the backup storage battery with a power supply provided for operations which are subject to sudden load fluctuations, such as a forklift³. Yamamoto provides no suggestion to use a backup storage battery with a portable device having a fuel cell system with a fuel supply port that is provided at the fuel storing section, and is detachably connected to the solution supply port.

Accordingly, Applicant respectfully submits that claim 25 is patentable.

Claims 26 and 27

With respect to independent claim 26, there is no combination of the applied references that would reasonably teach or suggest all of the claim's recitations. For example, there is no combination of the applied references that would reasonably teach or suggest the claimed portable telephone having a fuel cell system that is disposed at a portion of the portable telephone that includes a keyboard and a secondary cell which stores power generated by the fuel cell.

For example, although Prasad generally mentions that the fuel supply 20 can be used with a wide range of devices⁴, Prasad does not disclose that the fuel supply is disposed at a portion of

² See Yamamoto at 3:57-65.

³ See Yamamoto at 2:34-44 & 5:27-45.

⁴ See Prasad at paragraph [0020].

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the portable telephone that includes a keyboard. Moreover, although Lawrence discloses a fuel cell supply canister 92 that is provided in an electronic assembly 33⁵ that can be a mobile telephone⁶, there is no disclosure that the fuel cell supply canister 92 is provided at a portion of the portable telephone that includes a keyboard.

In addition, as discussed above with respect to claim 25, Yamamoto provides no suggestion to use a backup storage battery with a portable device having a fuel cell system with a fuel supply port that is provided at the fuel storing section, and is detachably connected to the solution supply port.

Accordingly, Applicant respectfully submits that claim 26 is patentable. Moreover, Applicant respectfully submits that claim 27 is patentable at least because of its dependency from claim 26.

Claim 28

With respect to independent claim 28, there is no combination of the applied references that would reasonably teach or suggest all of the claim's recitations. For example, there is no combination of the applied references that would reasonably teach or suggest the claimed portable terminal having a secondary cell which stores power generated by the fuel cell.

As discussed above with respect to claim 25, Yamamoto provides no suggestion to use a backup storage battery with a portable device having a fuel cell system with a fuel supply port

⁵ See Lawrence at Figs. 2 & 3.

⁶ See Lawrence at paragraph [0008].

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that is provided at the fuel storing section, and is detachably connected to the solution supply port. Accordingly, Applicant respectfully submits that claim 28 is patentable.

Claims 29-34

With respect to independent claim 29, there is no combination of the applied references that would reasonably teach or suggest all of the claim's recitations. For example, there is no combination of the applied references that would reasonably teach or suggest the claimed fuel pack having a flexible sheet member which at least a portion thereof is deformable, and which separates the fuel storing section and the discharged-solution storing section from each other.

For example, Prasad discloses a portable electronic device 10 in which the separation is provided by a movable barrier 40 that includes both a first flexible inner container 24 and a second flexible inner container 44⁷ or by the entire flexible inner container 142⁸. However, Prasad's movable barrier 40 cannot correspond to the recited "flexible sheet member."

Accordingly, Applicant respectfully submits that claim 29 is patentable. Moreover, Applicant respectfully submits that claims 30-34 are patentable at least because of their dependency from claim 29.

Claims 35-42

With respect to independent claim 35, there is no combination of the applied references that would reasonably teach or suggest all of the claim's recitations. For example, there is no

⁷ See Prasad at Fig. 2.

⁸ See Prasad at Fig. 11.

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combination of the applied references that would reasonably teach or suggest the claimed fuel pack having a desiccant is placed in the discharged-solution storing section.

For example, Prasad discloses that the waster storage area 26 may include a super absorbent material that is “very thin when dry, but can expand to absorb a volume of fluid that is may times greater than the initial volume of the material.” However, Prasad’s super absorbent material cannot correspond to the recited “desiccant.”

Accordingly, Applicant respectfully submits that claim 35 is patentable. Moreover, Applicant respectfully submits that claims 36-42 are patentable at least because of their dependency from claim 35.

Claims 43-50

With respect to independent claim 43, there is no combination of the applied references that would reasonably teach or suggest all of the claim’s recitations. For example, there is no combination of the applied references that would reasonably teach or suggest the claimed fuel pack having an antifreezing agent is placed in the discharged-solution storing section.

In the previous response, Applicant argued that this rejection is deficient at least because the Examiner has not provided any objective evidence that it is common to use antifreezing agents with a fuel cell device. In response, the Examiner points to Bateman (US 5,909,818), which discloses a vehicle water tank 12 that stores water with antifreeze.² Although Bateman’s antifreeze is used to prevent water from freezing, Applicant respectfully submits that the use of

² See Bateman at 1:24-31.

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an antifreezing agent in Bateman's vehicle water storage would not motivate one of ordinary skill to modify a fuel cell waste storage device to include an antifreezing agent.

Accordingly, Applicant respectfully submits that claim 43 is patentable. Moreover, Applicant respectfully submits that claims 44-50 are patentable at least because of their dependency from claim 43.

Claims 51-59

With respect to independent claim 51, there is no combination of the applied references that would reasonably teach or suggest all of the claim's recitations. For example, there is no combination of the applied references that would reasonably teach or suggest the claimed fuel pack having a flexible sheet member which at least a portion thereof is deformable.

For example, Prasad discloses a portable electronic device 10 in which the separation is provided by a movable barrier 40 that includes both a first flexible inner container 24 and a second flexible inner container 44¹⁰ or by the entire flexible inner container 142¹¹. However, Prasad's movable barrier 40 cannot correspond to the recited "flexible sheet member."

Accordingly, Applicant respectfully submits that claim 51 is patentable. Moreover, Applicant respectfully submits that claims 52-59 are patentable at least because of their dependency from claim 51.

¹⁰ See Prasad at Fig. 2.

¹¹ See Prasad at Fig. 11.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

Interview

In addition, Applicant respectfully requests that the Examiner grant a personal interview with Applicant's representative in order to discuss this amendment. The Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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